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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6079 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL RAVJIBHAI AVCHALBHAI

Versus

STATE OF GUJARAT

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Appearance:

MR PV HATHI for Petitioner

MS MANISHA LOVEKUMAR ADDL.GOVERNMENT PLEADER

for Respondent No. 1

NOTICE SERVED for Respondent No. 3

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 16/07/1999

ORAL JUDGEMENT

While admitting this petition, this court by the order dated 22-1-1986 has directed that this matter be heard along with Special Civil Application No. 2716 of 1985 and ad-interim relief was granted against demolition of structure in question.

The Court is informed that Special Civil Application No. 2716 of 1985 was already heard and decided on 7/8/1996 and that petition was rejected.

2. The dispute pertains to the land in question admeasuring 1 Acre, 21 Gunthas of land out of Survey No. 39/1 in Rajkot Taluka within the limits of Rajkot Urban Development Authority. The land is an agricultural land, no permission of the competent authority was obtained for making non-agricultural use of the land in question. No permission was obtained from Rajkot Urban Development Authority or Rajkot Municipal Corporation for putting up construction on the land in question. No permission was obtained from Executive Engineer under Ribbon Development Control Rules, nor any consent was also obtained from the Gujarat Water Pollution & Control Board. Opinion of the District Industry Centre was also not obtained. Without obtaining any permission, the petitioner proceeded to put up construction on the land in question and started the Saree Printing unit. Hence the Deputy Collector, Rajkot passed the impugned order dt. 29/8/1983 for imposing penalty of Rs.26,300/- for making use of the agricultural land in question for non-agricultural purpose without permission and also calling upon the petitioner to remove unauthorised construction made on the land in question. Aggrieved by the said order, the petitioner approached the State Government in appeal. The Secretary (Appeals) in Revenue Department, Gujarat State, dismissed the appeal on 30/11/1984. In this petition, the petitioner has challenged the aforesaid orders of the Deputy Collector and the State Government.

3. Having heard the learned Counsel for the parties, it appears that the petitioner has not obtained any permission from any of the authorities for making use of the agricultural land for non-agricultural purpose or for putting up construction on the land in question. Hence no fault can be found with the impugned orders of the authorities. The matter is also covered by the decision dated 6-8-1996 in Special Civil Application No. 2710 of 1985, and the decision dated 8-8-1996 in Special Civil Application No. 2716 of 1985. The petition therefore, deserves to be dismissed.

4. The petition is accordingly dismissed with costs. Ad-inter relief granted earlier stands vacated.

At the request of the learned Counsel for the petitioner, ad-interim relief granted earlier is continued for three weeks from today to enable the petitioner to have further recourse in accordance with

law.

Date; 16/7/1999. (M.S.SHAH,J.)

(ccshah)